

**MINUTES
ZONING BOARD OF ADJUSTMENT
APRIL 20, 2004**

1. CALL TO ORDER – Andrews called the meeting to order at 4:00 p.m.

2. ROLL CALL

Members Present: Andrews, Brabec, Mescher and O'Reilly
Absent: Hardiman
Staff: Malmquist, Sall and Wade

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

Motion by Mescher, second by O'Reilly to adopt the agenda as printed. Motion carried by unanimous voice vote.

5. APPROVAL – MINUTES OF THE FEBURARY 17, 2004 MEETING

Motion by Brabec, second by O'Reilly to approve the minutes as written. Motion carried by voice vote.

6. PROOF OF PUBLICATION – Sall

7. REVIEW OF MEETING PROCEDURES – Andrews

8. PUBLIC HEARINGS

CASE #BA-04-001: Public hearing on the request of Timothy D. Clark for a variance from Section 15.09.040(01) Accessory Uses in the R-2/Two Family Residential District of the Municipal Code (Zoning Ordinance) to allow the construction of a 576 square foot (24' x 24') accessory structure which exceeds the ground floor coverage of the principal structure (442 s.f.) at 515 North 40th Street.

Timothy Clark, 22327 Three Bridge Road, Council Bluffs, IA 51503, said the existing one-car garage at 515 North 40th Street needs replaced. He is asking for a variance in order to build a 24'x 24' replacement. The existing structure will be removed.

Andrews asked if this is rental property. Clark said yes.

Andrews then asked if the proposed garage met all other zoning requirements. Malmquist said yes.

Motion by Mescher, second by Brabec to approved the request for a variance to allow the construction of a 576 square foot (24' x 24') accessory structure which exceeds the ground floor coverage of the principal structure (442 s.f.) at 515 North 40th Street.

VOTE: AYE – Andrews, Brabec, Mescher and O'Reilly. NAY – None. ABSTAIN – None. ABSENT – Hardiman. Motion carried.

9. OTHER BUSINESS

A. Annual Report – Received and filed.

B. Executive Session – Motion by O'Reilly, second by Mescher to go into Executive Session for the purpose of discussing pending litigation as permitted by the Iowa Code. Motion by Mescher, second by O'Reilly to return to the public meeting.

C. Other Items of Interest – Malmquist again warned the members of exparte conversations.

10. ADJOURNMENT – Andrews adjourned the meeting at 4:19 p.m.